

**DURHAM, NORTH CAROLINA  
MONDAY, MARCH 19, 2007  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden, Council Member Brown, Council Member Catotti, Council Member Clement, Council Member Stith, and Council Member Woodard.  
Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

**CEREMONIAL ITEMS/ANNOUNCEMENTS BY COUNCIL**

Mayor Bell read a proclamation declaring April 14, 2007 as Durham Take A Stand Alcohol Awareness Day which was presented to Wanda Boone who made comments.

Council Member Catotti welcomed Boy Scout Troop 451 and commended them for sending a team to aid in the search for the missing Boy Scout. Also, she congratulated the Durham Convention and Visitors Bureau for hosting their annual tribute luncheon to honor world-winning chefs in Durham. She made comments on the Legislative Breakfast hosted by the Durham Chamber of Commerce and the Solid Waste Department/Durham County Animal Shelter new recycle program.

Council Member Woodard congratulated Mr. Clement on his marriage this past Saturday, commented on his attendance at the Child Care Services Association's Annual Triangle Child Care Awards Breakfast recognizing Durham citizens who received awards, commented on the fire that destroyed books at the Durham County Library for the Friends of Durham book sale and thanked all citizens who brought books, cds, videos, etc. to replace items that were lost in the fire; and thanked Duke employees who found the lost dog during a car accident for a cancer patient.

Mayor Pro Tempore Cole-McFadden made comments on the Wiz performance by Hillside High School Drama Team; Youth Council's attendance at Legislative Day in Raleigh and announced that she has been appointed to the National League of Cities' Human Development Advocacy Committee.

Council Member Clement thanked his colleagues that attended his wedding reception, commended Stewart Fulbright, Chuck Stone and Bill McDonald--three Tuskegee Airmen from this region--who will be honored by Congressional Resolution later this month. He urged boy scouts in attendance to view the "Tuskegee Airmen" film.

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Mayor Bell commented on his speaking engagement: 2nd Graders at Hope Valley Elementary School, acknowledged receipt of letters from the students and thanked Ms. Haithcock one of the teachers for inviting him to speak. He made comments on the wake and memorial service held for Senator Jeanne Lucas.

Several Council Members made comments on Mr. Clement's wedding reception.

Council Member Brown suggested that the boy scouts view the following issues: Community involvement and response; history--Tuskegee Airmen; and tenacity.

### **PRIORITY ITEMS FROM THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK**

There were no priority items from the City Manager, City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items #15 [Performance Audit] and 18 [Economic Development Business Incentive Policy Changes] were pulled.

**MOTION** by Council Member Stith seconded by Council Member Woodard to approve the Consent Agenda as amended was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

### **CONSENT AGENDA**

#### **Subject: Approval of City Council Minutes**

**MOTION** by Council Member Stith seconded by Council Member Woodard to approve City Council Minutes for the February 5, 2007 City Council Meeting; and

To approve City Council Action Taken at the February 8, 2007 City Council Work Session was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

#### **Subject: Capital Program Advisory Committee - Appointments**

**MOTION** by Council Member Stith seconded by Council Member Woodard to reappoint the following citizens to the Capital Program Advisory Committee with terms expiring on March 31, 2009; Patrick L. Byker representing Project Management; Ronald L. Horvath representing Engineer; Thomas M. Poole representing PAC 1; and Maryann B. Crea representing PAC 2 was approved at 7:23 p.m. by the following vote: Ayes:

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Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Human Relations Commission - Appointment**

**MOTION** by Council Member Stith seconded by Council Member Woodard to appoint Crystal M. Hayes to fill one (1) vacancy on the Human Relations Commission for a Minority Female with a term to expire on June 30, 2007 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: City-County Environmental Affairs Board - Appointment**

**MOTION** by Council Member Stith seconded by Council Member Woodard to appoint Raphael Sagarin to fill one (1) vacancy on the City-County Environmental Affairs Board representing Biological Sciences with a term to expire on June 1, 2008 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Historic Preservation Commission - Appointment**

**MOTION** by Council Member Stith seconded by Council Member Woodard to reappoint David M. Arneson to the Historic Preservation Commission to represent the category of Architect with the term expiring on August 31, 2009 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Durham Bicycle and Pedestrian Advisory Commission - Appointment**

**MOTION** by Council Member Stith seconded by Council Member Woodard to appoint James H. Dunlop to fill one (1) vacancy on the Durham Bicycle & Pedestrian Advisory Commission with the term to expire on August 31, 2009 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Equal Business Opportunity Program Advisory Committee - Receipt and Acceptance of Applications**

**MOTION** by Council Member Stith seconded by Council Member Woodard to receive and accept applications for citizens to fill three (3) vacancies on the Equal Business Opportunity Program Advisory Committee to represent the categories of SDBE Non-Professional Firm Owner, SDBE Construction Firm Owner and SDBE Professional

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Services Firm Owner with terms to expire on April 1, 2009 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Durham Planning Commission - Receipt and Acceptance of Applications**

**MOTION** by Council Member Stith seconded by Council Member Woodard to receive and accept applications for citizens to fill two (2) vacancies on the Durham Planning Commission to represent District 1 and District 5 with terms expiring on June 30, 2010 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Setting a Public Hearing to Receive Citizen Comments on the Draft FY 07-08 Annual Action Plan**

**MOTION** by Council Member Stith seconded by Council Member Woodard to set a public hearing on the Draft 2007-2008 Annual Action Plan for April 2, 2007 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Setting a Public Hearing on Burch Avenue, Lyon Park and West End Neighborhoods Revitalization Plan Update**

**MOTION** by Council Member Stith seconded by Council Member Woodard to set a public hearing on the update to the Burch Avenue, Lyon Park and West End Neighborhoods Revitalization Plan for April 2, 2007 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Major Site Plan and Preliminary Plat - Rustica Oaks (D06-222)**

**MOTION** by Council Member Stith seconded by Council Member Woodard to approve a major site plan and preliminary plat for "Rustica Oaks," submitted by Arcadis G&M on behalf of Keystone Corporation, for a 211 single-family lot and 64-unit townhome development on 68.83 acres zoned PDR 4.000 and RR; the site is located north and south of Rustica Drive, east of South Alston Avenue, and west of Ed Cook Road was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Major Site Plan - Hotel Indigo (D06-428)**

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**MOTION** by Council Member Stith seconded by Council Member Woodard to approve a major site plan for "Hotel Indigo," submitted by Timmons Group, on behalf of Shrijee, LLC, for a 125 room hotel on a 4.56 acre site zoned CG (D); property is located on the northwestern corner of the intersection of Old Page Road and Central Park Drive, northeast of Tatum Drive and southwest of I-40 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Water and Sewer Extension Agreement with Darcon of NC, Inc. - SAS Property (aka Fletcher's Mill Subdivision)**

**MOTION** by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Darcon of NC, Inc. to serve the SAS Property (a.k.a. Fletcher's Mill Subdivision) was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Water and Sewer Extension Agreement with R. D. Construction, Inc. - Zinner Property**

**MOTION** by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to enter into a Water and Sewer Extension Agreement with R. D. Construction, Inc. to serve the Zinner Property was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Interlocal Agreement for Community Alert Notification System - County of Durham**

**MOTION** by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute the Inter-Local Agreement for a Community Alert Notification System between the City of Durham and the County of Durham was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Annual Insurance Plan - April 1, 2007**

**MOTION** by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to maintain the general plan of insurance, making modifications that are consistent with the City's overall financial objectives;

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To authorize the City Manager to make additional purchases throughout the year, as needed for special events, lease and contract requirements, new programs, and builders risk insurance; and

To authorize the City Manager to pay premiums not to exceed \$749,392.00 for one year beginning April 1, 2007 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: G.H. Williams Collaborative Professional Service Agreement for Fire Station 15 - Centex Construction LLC**

**MOTION** by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute the Professional Services Agreement for the Design of Fire Station 15 with G. H. Williams Collaborative, PA, in an amount not to exceed \$67,055.00;

To authorize the City Manager to make changes to the agreement before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City;

To authorize the City Manager to establish a project contingency in the amount of \$6,700.00 and to negotiate and execute change orders on the Professional Services Agreement for the Design of Fire Station 15 provided the total project cost does not exceed the applicable project ordinance;

To adopt a Resolution Exempting the Fires Station 15 Project from G.S. 143-64.31;

To authorize the City Manager to execute the agreement with Centex Construction LLC for limited preconstruction services providing the fees to be paid for these services does not exceed \$10,000.00;

To authorize the City Manager to make changes to the agreement before executing it if the changes do not increase the fee to be paid by the City and do not decrease the goods and services to be provided to the City.

To authorize the City Manager to execute a contract amendment to the Professional Services Agreement for the Design of Fire Station 15 with G. H. Williams Collaborative, PA so that the total contract amount does not exceed \$100,000.00, contingent upon City Council's approval of funds for construction, and

To authorize the City Manager to execute a contract amendment to the agreement with Centex Construction LLC so that the total contract amount does not exceed 2.5% of the construction budget was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**Resolution #9441**

**Subject: National Crime Victims' Rights Week Cap Sub-Grant Award**

**MOTION** by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to accept the National Crime Victims' Rights Week CAP Sub-Grant by executing the grant documents; and

To adopt the National Crime Victims' Rights Week CAP Sub-Grant Project Ordinance, in the amount of \$4,981.00 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13392**

**GENERAL BUSINESS AGENDA**

**Subject: Lincoln Street Community Development Corporation (CDC) Sub-recipient Agreement**

Community Development Director Mike Barros made comments on the purpose of this item.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a performance based sub-recipient contract with Lincoln Street Community Development Corporation in an amount not to exceed \$30,000.00 from Weed and Seed funds to provide anger management and conflict resolution services to at-risk youth residing in the Weed and Seed Hayti Community; and

To authorize the City Manager to make changes to the contract which does not increase the contract amount, lessen Lincoln Street Community Development Corporation's duties, or extend the term of the Contract beyond July 31, 2007 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Mini Assessment Roll for Water Main on Long Leaf Drive from Pine Valley Drive North to the North Property Line of Tax Map 825-1-39**

Engineering Manager Lee Murphy made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

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**MOTION** by Council Member Stith seconded by Mayor Pro Tempore Cole-McFadden to reconsider the assessment against the property of Theresa M. Vinson, and

To find that the property identified as 5106 Long Leaf Drive, Lot 60, PIN #0824-01-38-8338, has benefited from the water main improvement and to confirm the assessment in the original amount of \$1,450.00 was approved at 7:25 p.m. by the following vote:

Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Economic Development Incentive Contract between the City of Durham and Abraxis Bioscience, Inc.**

To receive public comments on the Incentive Contract between the City of Durham and Abraxis Bioscience, Inc.;

To authorize the City Manager to execute a contract with Abraxis BioScience, Inc. in the amount of \$31,500.00 for the creation of 50 jobs or in the amount of \$15,750.00 for the creation of at least 43 jobs but less than 50; and

To authorize the City Manager to make changes as may be needed so long as they do not increase the amount to be paid by the City nor reduce the benefits to be gained by the City.

Council Member Catotti raised a concern about voting on this item until the policy [Consent Agenda Item #18] has been adopted.

Assistant Director of Economic and Workforce Development Trisha Gensic stated the policy should be voted on first.

Mayor Bell stated this item is being held until discussion has taken place on Consent Agenda Item #18.

**Subject: Street Closing - A 2,675.53 Linear Foot Portion of Harmony Road (SC06-04)**

To receive public comments on the closing of a 2,675.53 linear foot portion of Harmony Road, west of Cook Road, east of Ardmore Drive, south of Juliette Drive, and north of Tall Oaks Drive; and

To adopt an Order permanently closing a 2,675.53 linear foot portion of Harmony Road, west of Cook Road, east of Ardmore Drive, south of Juliette Drive, and north of Tall Oaks Drive, conditioned on the recombination of lots and the dedication of right-of-way and easements for such property deemed sufficient by the City.

City/County Planning Director Frank Duke stated he has the required notices that advertising for all of the Planning Department items was provided for as required by state



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law. He noted this item and the next street closing SD06-06 are associated with a zoning case approved by Council sometime ago and the conditions of that development plan required that the unopened portions of Harmony Road and Ardmore Drive both be closed. He briefed Council on the closing noting there are no adverse impacts in closing the road and staff is recommending approval.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Woodard to receive public comments on the closing of a 2,675.53 linear foot portion of Harmony Road, west of Cook Road, east of Ardmore Drive, south of Juliette Drive, and north of Tall Oaks Drive; and

To adopt an Order permanently closing a 2,675.53 linear foot portion of Harmony Road, west of Cook Road, east of Ardmore Drive, south of Juliette Drive, and north of Tall Oaks Drive, conditioned on the recombination of lots and the dedication of right-of-way and easements for such property deemed sufficient by the City was approved at 7:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13393**

**Subject: Street Closing - 1,125.78 Linear Feet of Ardmore Drive and 153.71 Linear Feet of Harmony Road (SC06-06)**

To receive public comments on the closing of a 1,125.78 linear foot portion of Ardmore Drive and 153.71 linear foot portion of Harmony Road, north of Morningside Drive, south of Greyfield Boulevard, east of South Roxboro Street, and west of Cook Road; and

To adopt an Order permanently closing a 1,125.78 linear foot portion of Ardmore Drive and 153.71 linear foot portion of Harmony Road, north of Morningside Drive, south of Greyfield Boulevard, east of South Roxboro Street, and west of Cook Road, conditioned on the recombination of lots and the dedication of right-of-way and easements for such property deemed sufficient by the City.

City/County Planning Director Frank Duke noted this is the second of the street closings required as a result of Council approval of the Harmony Road zoning case last year. He briefed Council on the street closing noting this request has been reviewed by all review agencies and they have determined there are no adverse impacts associated with this street closing and staff is recommending approval.

Mayor Bell opened the public hearing

Scott Brenner stated he wanted to make sure this closing will not render his property

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useless and land lock from access.

City/County Planning Director Frank Duke noted one of the requirements for any street closing is that no properties be land lock and one of the conditions of this street closing is the recordation of revised plats showing the dedication of additional right of way to ensure that property owners will have access to a public right of way and the closing is recommended to be conditioned on the recordation of those plats which would happen during the 30-day interval before the street closing goes into effect. Mr. Duke stated this closing would not affect the potential development of Mr. Brenner's property.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Catotti to receive public comments on the closing of a 1,125.78 linear foot portion of Ardmore Drive and 153.71 linear foot portion of Harmony Road, north of Morningside Drive, south of Greyfield Boulevard, east of South Roxboro Street, and west of Cook Road; and

To adopt an Order permanently closing a 1,125.78 linear foot portion of Ardmore Drive and 153.71 linear foot portion of Harmony Road, north of Morningside Drive, south of Greyfield Boulevard, east of South Roxboro Street, and west of Cook Road, conditioned on the recombination of lots and the dedication of right-of-way and easements for such property deemed sufficient by the City was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

#### **Ordinance #13394**

#### **Subject: Street Renaming - Watkins Road to Southwest Durham Drive (SN07-01)**

To receive public comments on renaming a section of Watkins Road to Southwest Durham Drive; and

To approve the request to rename a section of Watkins Road to Southwest Durham Drive, extending south from the intersection with Witherspoon Boulevard to the intersection with Old Chapel Hill Road.

City/County Planning Director Frank Duke briefed Council on the request to rename the right of way that is currently Watkins Road which represents the extension of what will become Southwest Durham Drive between Durham Chapel Hill Boulevard and Witherspoon Boulevard. He made comments on the required community meeting held January 25 which was attended by one citizen who indicated no concerns with the renaming; therefore, staff is recommending approval.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the public hearing was closed.

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**MOTION** by Council Member Stith seconded by Council Member Woodard to receive public comments on renaming a section of Watkins Road to Southwest Durham Drive; and

To approve the request to rename a section of Watkins Road to Southwest Durham Drive, extending south from the intersection with Witherspoon Boulevard to the intersection with Old Chapel Hill Road was approved at 7:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**Subject: Performance Audit**

Council Member Stith asked the City Manager if there is a timeline for independent resources to assist staff since the agenda item is the same, there is no independent citizen advisory committee to review this process, no staff training and no involvement except on as needed from people that have expertise in performance audits. Also, he wanted to know when will there be additional resources for this type of effort to increase the effectiveness of the City's operation.

City Manager Baker noted this item will be discussed during the budget process; funds will be identified in the interim, made comments on a task system in the Solid Waste Department and the public/private review of the development review process which will come to a Council Work Session in April.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to accept the administration's recommendation for Performance Audit and Performance Improvement efforts was approved at 7:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Subject: Economic Development Business Incentive Policy Changes**

Victoria Peterson with Triangle Citizens Rebuilding Communities expressed concern with the incentive policy. She asked that it be broaden to individuals who are running training centers and for some of the training funding.

Assistant City Manager for Economic and Workforce Development Alan DeLisle explained the purpose of this policy for business development projects and stated the concept that Mrs. Peterson is talking about is dealt with through other means.

Council Member Catotti explained why she would be voting no on this item. She stated she supports the change in the downtown boundaries, and the change in the definition, but would like to maintain the job threshold as currently noted in the targeted areas.

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**MOTION** by Council Member Woodard seconded by Council Member Brown to adopt a revised Resolution Establishing a Job Creation and Retention and Investment Incentive Policy was approved at 7:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: Council Member Catotti. Absent: None.

**Resolution #9442**

**[GENERAL BUSINESS AGENDA]**

**Subject: Economic Development Incentive Contract between the City of Durham and Abraxis Bioscience, Inc.**

Mayor Bell opened the public hearing.

Assistant Director of Economic and Workforce Development Trisha Gensic made comments on this item.

Mayor Pro Tempore Cole-McFadden asked staff to share the organization's philosophy concerning on the job training opportunities and internships when negotiating with firms.

Bob Murdock, representing Abraxis Bioscience, Inc., noted his company would be bringing in at least 50 if not more jobs to the area by the end of 2008, and commented on the company's internship program.

Mayor Pro Tempore Cole-McFadden urged Mr. Murdock to reach out to North Carolina Central University and Duke University when advertising for internships.

Victoria Peterson urged Council to monitor companies coming into the City of Durham to ensure they are hiring local Durham citizens, graduates from North Carolina Central University and Duke University. She also requested that the City do a site visit and provide quarterly reports highlighting whether companies are hiring inter-city residents and students from North Carolina Central University and Duke University utilizing their internship program.

Assistant Director of Economic and Workforce Development Trisha Gensic discussed the amount of the incentive [\$31,500], stated incentive payments are performance based and outlined the process in applying for an incentive.

Council Member Catotti noted she would be voting no on this item explaining that she would prefer to target incentive money in the targeted community development areas at a higher job threshold which was noted in the prior policy before this amendment. She informed Mr. Murdock that she was pleased to have him in this area.

Mayor Bell closed the public hearing.

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**MOTION** by Council Member Woodard seconded by Council Member Brown to receive public comments on the Incentive Contract between the City of Durham and Abraxis Bioscience, Inc.;

To authorize the City Manager to execute a contract with Abraxis BioScience, Inc. in the amount of \$31,500.00 for the creation of 50 jobs or in the amount of \$15,750.00 for the creation of at least 43 jobs but less than 50; and

To authorize the City Manager to make changes as may be needed so long as they do not increase the amount to be paid by the City nor reduce the benefits to be gained by the City was approved at 7:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Clement, Stith and Woodard. Noes: Council Member Catotti. Absent: None.

Council Member Stith expressed a concern with suspending the rules at the previous Work Session in which Council spent over \$3 million dollars which would have taken place at a Council Meeting. He asked the administration to announce financial items at a City Council Meeting when they are approved at a Work Session.

Mayor Bell made comments noting all council deliberations are public.

Several Council Members addressed the boy scouts and Council Member Clement thanked the City Clerk's Office for their commendation for providing public records.

### **ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 8:00 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk